

Order 199/2020 approving the Regulation for granting authorisations to set up and licenses in the natural gas sector

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Order 199/2020 approving the Regulation for granting authorisations
and licenses in the natural gas sector
Date of act: 28-oct-2020
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Having regard to the provisions of Articles 118 and 119, points 2 and 3 of the Law on Electricity and Gas No123/2012, as amended and supplemented,

Under the provisions of Art. 5 par. (1) letter a) and Art. 10 par. (1) lett. c) of the Government Emergency Ordinance no. 33/2007 on the organisation and functioning of the National Energy Regulatory Authority, approved with amendments and additions by Law no. 160/2012, with subsequent amendments and additions, the President of the National Energy Regulatory Authority shall issue this order.

Chapter I: Conditions, purpose, domain

SECTION 1: General provisions

Art. 1

- (1) This Regulation shall be issued in accordance with the provisions of Article 118(3) of the Law on Electricity and Gas No123/2012, as amended and supplemented.
- (2) The National Energy Regulatory Authority shall be empowered, as a competent authority, to grant, amend, suspend or withdraw the establishment authorisations and licenses in the natural gas sector under the terms of the Law on Electricity and Gas No. 123/2012, as amended and supplemented, and to this Regulation.

Section 2: Scope

Art. 2

This Regulation shall apply to economic operators requesting the granting, amendment, extension, suspension or withdrawal of establishment/licenses in the natural gas sector.

Section 3: Aim

Art. 3

This Regulation lays down:

- a) The conditions for granting authorisations to set up and licenses provided for in the Law on Electricity and Gas No.123/2012, as amended and supplemented;
- b) the conditions for the modification, extension of validity, suspension or withdrawal of establishment authorisations or licences granted.

Art. 4

The request for granting/modifying/extending the validity/suspension/withdrawal of the establishment authorisation and/or the licence shall be the responsibility of the applicants referred to in Article 2, who shall act for this purpose in accordance with the provisions of this Regulation.

Section 4: Abbreviations and terms

Art. 5

(1) The abbreviations and terms used in the text of the licence terms shall be defined as follows:

- a) ANRE – National Energy Regulatory Authority;
- b) ANRM – National Agency for Mineral Resources;
- c) GIS – Geographic Information System;
- d) LNG – liquefied natural gas;
- e) IP – high pressure;
- f) JP – low pressure;
- g) Law – Law on electricity and natural gas no. 123/2012, as amended and supplemented;
- h) MP – mean pressure;
- i) NT – node of technology;
- j) OI – steel;
- k) Pe – high density polyethylene;
- l) Pm – measurement panel;
- m) PRM – adjustment-measurement post;
- n) PR – adjustment post;
- o) PT – technical project;
- p) SCV – control station vanes;
- q) Ms – measurement station;
- r) SR – adjustment station;
- s) SRM – adjustment-measurement station;
- t) SRS – sector adjustment station;
- u) RP – reduced pressure;
- v) XML – Extensible Markup Language.

(2) The abbreviations and terms referred to in paragraph 1 shall be supplemented by the terms defined in the Law and in the legislation applicable in the natural gas sector.

Chapter II: Types of start-up authorisations and licences in the natural gas sector

Art. 6

ANRE issues authorisations for the establishment of new:

- a) upstream supply pipelines related to the natural gas production activity;
- b) surface technology installations related to the underground storage of natural gas in the case of new warehouses;
- c) natural gas transmission systems;
- d) natural gas distribution systems;
- e) direct buses;
- f) biogas/biomethane production plants;
- g) LNG facilities;
- h) hydrogen production plants.

Art. 7

ANRE issues licenses in the natural gas sector to carry out activities of:

- a)** provision of:
 - (i)** natural gas;
 - (ii)** LNG;
 - (iii)** biogas/biomethane;
- b)** operation of:
 - (i)** upstream supply pipelines related to natural gas production, for upstream supply pipelines related to the natural gas production activity, if the production of natural gas is not used exclusively in natural gas production processes;
 - (ii)** the underground storage system;
 - (iii)** the transmission system;
 - (iv)** the distribution system;
 - (v)** LNG terminal;
- c)** management of centralised markets;
- d)** trader of natural gas;
- e)** commercial exploitation of hydrogen production plants.

Chapter III: Register of start-up authorisations and licences in the natural gas sector

Section 1: Procedures, deadlines and conditions for granting/modifying/extending the validity of start-up authorisations and licences in the natural gas sector

Art. 8

- (1)** In order to grant/modify/extended the validity of a establishment/licence authorisation, applicants shall submit an application at the premises of ANRE, drawn up according to the model in Annex no. 1, accompanied by the documents provided in this Regulation.
- (2)** The foreign economic operator with its registered office outside the Member States of the European Union may apply for the grant of establishment/license authorisations only if it has established in Romania, under the terms of the law, a secondary establishment for the entire period of validity of the authorisation to establish/licence, necessary for carrying out the activities.
- (3)** The application referred to in paragraph 1, accompanied by the common and specific documents provided for in this Regulation, shall be registered with the ANRE in one of the following forms:
 - a)** on paper format transmitted/submitted to the ANRE registry;
 - b)** e-mail to an address published on the ANRE website (original documents are certified with electronic signature);
 - c)** magnetic support (CD/DVD/memory stick) transmitted to the ANRE registry (the original documents are certified with electronic signature);
 - d)** by uploading to the ANRE website (the original documents are certified with electronic signature);
 - e)** by charging into the electronic single contact point platform – PCUe.
- (4)** If, on the date of submission of the application under the provisions of paragraph 1, the applicant holds at least one establishment/licence authorisation issued by ANRE or has submitted a request under review, the common/specific documents referred to in this Regulation may be used for all requests in progress with ANRE, on the basis of a declaration on their own responsibility regarding their continued validity, provided that amendments/updates to documents have occurred.
- (5)** If an applicant no longer holds the specific documents required for granting/modifying the establishment/licence authorisation, he may submit replacement documents, including technical expert reports for the objectives of the natural gas sector related to the application, prepared by technical experts attested by ANRE.
- (6)** At the request of foreign economic operators having their registered office in one of the Member States of the European Union, ANRE shall issue a decision in accordance with the procedure confirming the right to participate in the electricity/gas markets in Romania of foreign legal entities having their registered office in a Member State of the European Union.

- (7) The holder of the natural gas supply licence may not simultaneously hold a natural gas trader licence, the trader-specific rights being included in the natural gas supply licence he owns.
- (8) The holder of the natural gas trader licence cannot supply natural gas to final customers.
- (9) The holder of a licence may not simultaneously hold two licences of the same type.
- (10) May not be authorised to set up/licence:
 - (i) applicants in bankruptcy proceedings;
 - (11) applicants to whom an authorisation/licence has been withdrawn or suspended within a period of 5 years prior to registration of the application, as provided for in this Regulation;
 - (iii) applicants who have as controlling shareholders or as administrator persons who have previously been a controlling shareholder or administrator within licensed economic operators who have failed to discharge their payment obligations resulting from transactions carried out on the natural gas market.

Art. 9

- (1) ANRE shall analyse the documentation submitted by the applicant in accordance with the provisions of this Regulation and, where appropriate, shall notify the applicant of the necessary supplements or clarifications within a maximum period of 30 days from the date of registration of the request.
- (2) The applicant is required to complete the documentation according to the observations submitted by ANRE, within a maximum of 30 days from receipt of the notification.
- (3) If, within 6 months from the date of registration of the application, the applicant has not submitted all the documents, according to ANRE's comments, the application shall be closed, the applicant being notified to that effect.
- (4) Economic operators holding licences to operate upstream supply pipelines related to natural gas production, natural gas transmission systems, underground storage systems for natural gas or natural gas distribution systems shall, within 5 days of receipt of the notification referred to in paragraph 3, submit a new request under the conditions specified in the notification.
- (5) During the documentation analysis period, depending on the quality and complexity of the information, ANRE may decide:
 - a) inviting the authorised representatives of the applicant to the premises of ANRE in order to clarify the aspects related to the submitted documents;
 - b) verifying and certifying the conformity of specific documents/documentations through the ANRE compartments, at the request of the specialised department;
 - c) on-the-spot verification of the existing situation(s) through the Directorate-General and, where appropriate, in cooperation with the Directorate-General of Control; the conclusions and/or findings resulting from the discussions and/or verifications shall be entered in a document signed by the representatives of ANRE and the applicant;
 - d) request for other information or documents necessary to clarify aspects of the documentation analysis period.

Section 2: Common documents required for all types of establishment authorisations, and licences in the natural gas sector

Art. 10

- (1) The application for granting/modifying/extending the establishment/licence authorisation drawn up in accordance with the model set out in Annex No 1 shall be accompanied by the following documents:
 - a) the recorder certificate issued by the National Trade Register Office (NRC) no later than 30 days before the date of submission to ANRE in the original or with the electronic signature of the legal representative or certified copy for compliance with the original by the applicant's legal representative or the report providing information issued through the Infocert service by the ONRC, containing the applicant's identification information, name, address of the registered/professional establishment, unique registration code, serial number in the trade register, applicant's status, status of the applicant, branches/subunits/filials, secondary offices/working points in Romania or similar documents issued by competent authorities or documents establishing administrative-territorial units and/or their associations,

containing this information;

b) statement by the legal representative certifying that the management team within the economic operator consists of:

- (1)** general manager (legal representative/administrator/general director) with at least 2 years experience in managerial activities;
- (ii)** technical officer with experience of at least 5 years in the management/coordination of specific activities in the natural gas sector, only for the types of licences referred to in Article 7(1)(b) and e);
- c)** The CVs of the managerial team referred to in (b), updated at the date of submission to ANRE;
- d)** statements of persons referred to in (b) on consent to the processing of personal data, drawn up in accordance with the model in Annex no. 2;
- e)** proof of payment of the analysis fee of the documentation, established in accordance with the provisions of the ANRE President's order regarding the approval of the tariffs and contributions levied by the National Energy Regulatory Authority.

(2) Foreign applicants shall submit a copy of the supporting documents issued by the competent bodies of the country of origin, meeting the requirements laid down in paragraph 1 (a) and an authorised translation of them into the Romanian language.

(3) Where an economic operator requests in one year or simultaneously the granting of more than one authorisation for establishment/licences, the documents referred to in paragraph 1 shall be submitted in one copy, accompanied by the self-declaration referred to in Article 8(4).

Section 3: Specific documents required for all types of establishment authorisations, and licences in the natural gas sector

Art. 11

(1) At the request of authorisation to establish upstream supply pipes related to the production of natural gas in case of new perimeters or authorisation to set up surface technological installations related to the underground gas storage activity, in the case of new storage, the documents referred to in Article 10 shall be accompanied by the original written declaration under the responsibility of the applicant's legal representative, drawn up in accordance with the model in Annex 3, and by the following documents:

- a)** the document issued by ANRM containing cumulatively the following information:
 - (i)** the name of the holder of the concession agreement for oil development and exploitation and exploration;
 - (ii)** subject matter of the agreement (name of production/trade perimeter under the oil/underground storage agreement);
 - (iii)** date (day/month/year) until which the oil agreement is concluded in accordance with the provisions of specific incident legislation;
- b)** in the case of applicants who are not holders of a specific licence, the copy of the technical assistance contract for the follow-up, reception and commissioning of:
 - (1)** upstream supply pipes related to the production of natural gas, concluded with a licence holder for upstream supply pipelines who has a similar experience of at least 3 years;
 - (ii)** surface technology installations related to the underground storage of natural gas, concluded with a licence holder to operate the underground storage system, having a similar experience of at least 3 years;
- c)** the technological scheme of the objectives for which authorisation is sought, contained in the technical documentation/expert report/technical project;
- d)** the overall plan, which includes the objectives for which the establishment authorisation is requested, contained in the technical documentation/expert report/technical project, highlighting the administrative limits and the names of the localities on whose territory they are located;
- e)** information on the technical characteristics of the objectives for which authorisation to set up in Excel electronic format is requested, in accordance with the model in Annex No 4.

(2) At the request of authorisation to set up the natural gas transmission system, the documents referred to in

Article 10 shall be accompanied by the original written declaration under the responsibility of the applicant's legal representative, drawn up in accordance with the model in Annex No 3, and the following documents:

- a)** the document issued by ANRM containing cumulatively the following:
 - (i)** the name of the holder of the concession contract;
 - (ii)** the subject matter of the contract;
 - (iii)** the date (day/month/year) until which the concession contract is concluded in accordance with the provisions of specific incident legislation;
- b)** in the case of applicants who are not holders of a specific licence, the copy of the technical assistance contract for the follow-up, reception and commissioning of the objectives concluded with a licence holder operating the natural gas transmission system having a similar experience of at least 3 years;
- c)** the technological scheme of the objectives for which authorisation is sought, contained in the technical documentation/expert report/technical project;
- d)** the overall plan containing the objectives for which the establishment authorisation is requested, contained in the technical documentation/expert report/technical project, highlighting the administrative limits and the names of the localities on whose territory they are located;
- e)** information on the technical characteristics of the objectives for which authorisation to set up in Excel electronic format is requested, in accordance with the model in Annex No 5.

(3) At the request of authorisation to set up the natural gas distribution system, the documents referred to in Article 10 shall be accompanied by the original written declaration under the responsibility of the applicant's legal representative, drawn up in accordance with the model in Annex No 3, and the following documents:

- a)** copy of the concession contract of the public service for the distribution of natural gas or assimilated; in case of application for authorisation to set up by the administrative-territorial units and/or their associations, the copy of the concession contract of the public gas distribution service shall be submitted by the concessionaire upon request of obtaining the license to operate the natural gas distribution system;
- b)** in the case of applicants who are not holders of a specific licence, the copy of the technical assistance contract for the follow-up, reception and commissioning of the objectives concluded with a licence holder operating the natural gas distribution system having a similar experience of at least 3 years;
- c)** the technological scheme of the objectives for which authorisation is sought, contained in the technical documentation/expert report/technical project;
- d)** the overall plan containing the objectives for which authorisation is requested, contained in the technical documentation/expert report/technical project, highlighting the administrative limits and the names of the localities in whose territory they are located;
- e)** copy of the technical notice of connection to the upstream system, to which the connection is made, within validity;
- f)** information on the technical characteristics of the objectives for which authorisation to set up in Excel electronic format is requested, in accordance with the model in Annex No 6.

(4) At the request of authorisation to set up the direct bus, the documents referred to in Article 10 shall be accompanied by the original written declaration under the responsibility of the legal representative of the holder of the licence to operate the natural gas distribution system, drawn up in accordance with the model in Annex No 3 and the following documents:

- a)** the document issued by the local council of the administrative-territorial unit where the direct line will be located, specifying that the public gas distribution service is not leased and will not be leased within a period of at least 2 years from the date of issue of the document;
- b)** the document issued by the eligible client containing cumulatively the following:
 - (i)** undertakes to fully finance the realisation of the direct line that will be owned by it;
 - (ii)** undertakes to ensure access and connection to the direct line of other applicants, without changing the destination for which these goods were built, according to the ANRE regulations;
 - (iii)** the resulting assets will be taken into service within 60 days from the date of the concession of the public gas distribution service by the concessionary distribution operator, with the payment of a fair compensation, in accordance with the ANRE regulations;
- c)** the technological scheme, contained in the technical documentation/expert report/technical project for the objectives for which the establishment authorisation is requested;

- d)** the general plan containing the objectives for which the establishment authorisation is requested, contained in the technical documentation/expert report/technical project, highlighting the administrative limits and the names of the localities on whose territory they are located;
 - e)** copy of the technical notice of connection to the upstream system, to which the connection is made, within validity;
 - f)** information on the technical characteristics of the objectives for which authorisation to set up is requested, in Excel electronic format, in accordance with the model in Annex No 6;
 - g)** declaration by the applicant's legal representative on the date of completion of the investment.
- (5)** At the request of the authorisation to set up LNG facilities, the documents referred to in Article 10 shall be accompanied by the original written declaration under the responsibility of the applicant's legal representative, drawn up in accordance with the model in Annex No 3, and the following documents:
- a)** the technological scheme of the objectives for which authorisation is sought, contained in the technical documentation/expert report/technical project;
 - b)** the overall plan containing the objectives for which the establishment authorisation is requested, contained in the technical documentation/expert report/technical project, highlighting the administrative limits and the names of the localities on whose territory they are located;
 - c)** copy of the technical notice of connection to the downstream system/objective, issued by the licensed operator to which the installations will be connected, within validity;
 - d)** declaration by the applicant's legal representative on the date of completion of the investment.
- (6)** At the request of authorisation to set up new biogas/biomethane or hydrogen production plants, the documents referred to in Article 10 shall be accompanied by the original written declaration of the applicant's legal representative, drawn up in accordance with the model in Annex No 3, and the following documents:
- a)** the technological scheme of the objectives for which authorisation is sought, contained in the technical documentation/expert report/technical project;
 - b)** the overall plan containing the objectives for which the establishment authorisation is requested, contained in the technical documentation/expert report/technical project, highlighting the administrative limits and the names of the localities on whose territory they are located;
 - c)** copy of the technical notice of connection to the downstream system/objective, issued by the licensed operator to which the installations will be connected, within validity;
 - d)** declaration by the applicant's legal representative on the date of completion of the investment.

Art. 12

- (1)** At the request of the licence for the supply of natural gas, biogas/biomethane or LNG, the documents referred to in Article 10 shall be accompanied by the following documents:
- a)** copy of the rules governing the organisation and operation of the applicant, in whole or in extract, resulting from:
 - (i)** the tasks and responsibilities of the compartments engaged in the activities related to the supply of natural gas, biogas/biomethane or LNG;
 - (ii)** the existence of a communication system with customers;
 - (iii)** existence of a system for collecting and solving customer complaints;
 - b)** the list of premises in Romania where the activity related to the supply of natural gas, biogas/biomethane or LNG is to be carried out, as well as the list of single contact points for informing final customers, according to the provisions of art. 143 paragraph (1) lett. f) of the Law;
 - c)** document/documents showing that the applicant has an amount of money at least equal to 25 % of the estimated turnover value, through the declaration referred to in point d), to be carried out in the first 12 months of its activity as a supplier of natural gas, biogas/biomethane or LNG, but not less than EUR 100,000, at the foreign exchange rate of the National Bank of Romania valid on the 1st of the month in which the licence application is registered, which amount comes from more than one of the following:
 - (1)** equity the value of which is calculated on the basis of data from the last monthly verification balance according to the formula used to draw up the annual financial statements which the applicant communicates to the tax authorities;

- (ii)** the availability of bank credit lines available to the applicant in accordance with the supporting financial documents;
- (iii)** financial resources which the applicant's associations and/or shareholders make available to the applicant through financing/loan contracts or other types of contracts accompanied by supporting financial documents;
- (iv)** the availability from the current account, sampled with bank statement of the applicant acquired by signature by his legal representative, at the date of deposit with ANRE;
- d)** the original written declaration of the applicant's legal representative concerning the estimated turnover as supplier of natural gas, biogas/biomethane or LNG in the first year of activity;
- e)** the original written declaration of the applicant's legal representative, expressed in MWh for natural gas or biogas/biomethane and in tonnes for LNG, concerning the estimated quantities to be supplied in the year in which the licence is granted.

(2) At the request of the licence to operate the upstream supply pipelines related to the production of natural gas, the holder of the oil agreement shall transmit the documents referred to in Article 10, accompanied by the original written declaration under the responsibility of the applicant's legal representative, drawn up in accordance with the model in Annex No 3, and the following documents:

- a)** a copy of the rules governing the organisation and operation of the applicant, in electronic form, in whole or in extract, or of his own maintenance rules showing that at least the following activities are included:
 - (i)** detection of gas losses;
 - (ii)** referrals, complaints and interventions;
 - (iii)** access and connection to the upstream supply pipe;
 - (iv)** verification of technical documentation and/or projects, follow-up of the works, performing receptions and commissioning of works;
 - b)** the statement containing the structure of the personnel by specialties, showing that the persons of the managerial team responsible for coordinating the activities referred to in point a) have a professional experience in that activity of at least 3 years and the fact that they, for the design and/or execution activities for which they are responsible, hold the status of ANRE authorised installer, in accordance with the provisions of the Regulation for the authorisation of individuals performing activities in the natural gas sector, approved by order of the President of the National Energy Regulatory Authority in electronic format (
 - c)** copy of the minutes of acceptance at the end of the work for the purpose for which the licence is requested, in electronic format;
 - d)** information in the national stereographic coordinate system 1970 (the information shall be presented in vector format GIS in XML type files) in accordance with the hydraulic computation scheme, graphically comprising each pipeline, connection or station in the technical design, with the attachment as attributes of the data:
 1. objective type – pipe, connection;
 2. material;
 3. nominal diameter;
 4. length;
 5. station type – drying, measurement, adjustment/measurement, compression;
 6. maximum design capacity;
 7. number and date of receipt minutes at the end of the work;
 - e)** information on the technical characteristics of the targets for which the licence is applied for, in Excel electronic format, in accordance with the model in Annex No 4;
 - f)** a copy of the environmental authorisation for the purposes for which the licence is applied for, in electronic form;
 - g)** written declaration by the applicant's legal representative on the value of the target for which the licence is applied for;
 - h)** written declaration by the applicant's legal representative on the estimated turnover as an operator of upstream supply pipelines related to the production of natural gas during the first year of activity.
- (3)** At the request of the licence to operate the underground gas storage system, the holder of the concession

agreement shall transmit the documents referred to in Article 10, together with the original written declaration of the applicant's legal representative, drawn up in accordance with the model in Annex No 3, and the following documents:

- a)** a copy of the rules governing the organisation and operation of the applicant, in electronic form, in full or in extract, or of his own maintenance rules, showing that at least the following activities are included:
 - (i)** detection of gas losses;
 - (ii)** referrals, complaints and interventions;
 - (iii)** checks and revisions of surface technology installations related to underground storage;
 - (iv)** verification of technical documentation and/or projects, follow-up of the works, performing receptions and commissioning of works;
- b)** the report containing the structure of the personnel by specialties, from which to show that the persons of the managerial team responsible for coordinating the activities referred to in letter a) have a professional experience in the respective activity of at least 3 years and the fact that they, for the design and/or execution activities for which they are responsible, hold the status of ANRE authorised installer, according to the provisions of the Regulation, in electronic format;
- c)** copy of the minutes of acceptance at the end of the work for the purpose for which the licence is requested, in electronic format;
- d)** information in the national stereographic coordinate system 1970 (the information shall be presented in vector format GIS in XML type files) in accordance with the hydraulic computation scheme, graphically comprising each pipeline, connection or station in the technical design, with the attachment as attributes of the data:
 - 1. objective type – pipe, connection;
 - 2. material;
 - 3. nominal diameter;
 - 4. length;
 - 5. station type – drying, measurement, adjustment/measurement, compression;
 - 6. maximum design capacity;
 - 7. number and date of receipt minutes at the end of the work;
- e)** information on the technical characteristics of the targets for which the licence is applied for, in Excel electronic format, in accordance with the model in Annex No 4;
- f)** copy of the environmental authorisation for the required objectives, in electronic format;
- g)** written declaration by the applicant's legal representative on the value of the target for which the licence is applied for;
- h)** written declaration by the applicant's legal representative on the estimated turnover as an operator of the underground gas storage system in the first year of activity.

(4) At the request of the licence to operate natural gas transmission systems, the holder of the concession agreement for the public gas transmission service shall transmit the documents referred to in Article 10, accompanied by the original written declaration of the applicant's legal representative, drawn up in accordance with the model in Annex No 3, and the following documents:

- a)** a copy of the rules governing the organisation and operation of the applicant, in electronic form, in full or in extract, or of his own maintenance rules, showing that at least the following activities are included:
 - (i)** detection of gas losses;
 - (ii)** referrals, complaints and interventions;
 - (iii)** checks and revisions of the transmission system;
 - (iv)** access and connection to the system;
 - (v)** verification of technical documentation and/or projects, follow-up of the works, performing receptions and commissioning of works;
- b)** the report containing the structure of the personnel by specialties, from which to show that the persons of the managerial team responsible for coordinating the activities referred to in letter a) have a professional experience in the respective activity of at least 3 years and the fact that they, for the design and/or execution activities for which they are responsible, hold the status of ANRE authorised installer, according to the provisions of the

Regulation, in electronic format;

c) copy of the minutes of acceptance at the end of the work for the purpose for which the licence is requested, in electronic format;

d) information in the national stereographic coordinate system 1970 (the information shall be presented in vector format GIS in XML type files) in accordance with the hydraulic computation scheme, graphically comprising each pipeline, connection or station in the technical design, with the attachment as attributes of the data:

1. objective type – pipe, connection;
2. material;
3. nominal diameter;
4. length;
5. station type – measurement, adjustment/measurement, compression;
6. maximum design capacity;
7. number and date of receipt minutes at the end of the work;
8. the designation of the objective;

e) copy of the environmental authorisation for the purposes for which the licence is applied for, in electronic format;

f) information on the technical characteristics of the objectives for which licensing is requested, in Excel electronic format, in accordance with the model in Annex No 5;

g) the written declaration of the applicant's legal representative on the amount of natural gas estimated to be transported in the year in which the licence is granted, expressed in MWh;

h) written declaration by the applicant's legal representative on the estimated turnover as an operator of the natural gas transmission system in the first year of activity.

(5) At the request of the licence to operate the natural gas distribution system, the concessionaire of the public gas distribution service shall transmit the documents referred to in Article 10, together with the original written declaration under the responsibility of the applicant's legal representative, drawn up in accordance with the model in Annex No 3, and the following documents:

a) a copy of the rules governing the organisation and operation of the applicant, in electronic form, in full or in extract, or of his own maintenance rules, showing that at least the following activities are included:

- (i)** detection of gas losses;
- (ii)** referrals, complaints and interventions;
- (iii)** checks and revisions of the distribution system;
- (iv)** access and connection to the system;
- (v)** verification of technical documentation and/or projects, follow-up of the works, performing receptions and commissioning of works;

b) the report containing the structure of the personnel by specialties, from which to show that the persons of the managerial team responsible for coordinating the activities referred to in letter a) have a professional experience in the respective activity of at least 3 years and the fact that they, for the design and/or execution activities for which they are responsible, hold the status of ANRE authorised installer, according to the provisions of the Regulation, in electronic format;

c) copy of the minutes of acceptance at the end of the work for the purpose for which the licence is requested, in electronic format;

d) information in the national stereographic coordinate system 1970 (the information shall be presented in vector format GIS in XML type files) in accordance with the hydraulic computation scheme, graphically comprising each pipeline, connection or station in the technical design, with the attachment as attributes of the data:

1. localisation (county, locality, street);
2. no. real estate – for connection;
3. objective type – pipe, connection;
4. material – PE80, PE100, OL;
5. diameter – exterior for PE, nominal for OL;
6. pressure regime – p, MP, RP, JP;

- 7. length;
 - 8. station type – SR, MS, SRS, SRM;
 - 9. maximum design capacity of the station;
 - 10. number and date of receipt minutes at the end of the work;
- e) information on the technical characteristics of the targets for which the licence is applied for, in Excel electronic format, in accordance with the model in Annex No 6;
- f) the written declaration of the applicant's legal representative on the amount of natural gas estimated to be distributed in the year in which the licence is granted, expressed in MWh;
- g) written declaration by the applicant's legal representative on the estimated turnover as an operator of the natural gas distribution system in the first year of activity.
- (6)** At the request of the license to operate LNG terminals, the documents referred to in Article 10 shall be accompanied by the original written declaration under the responsibility of the applicant's legal representative, drawn up in accordance with the model in Annex No 3, and the following documents:
- a) a copy of the rules governing the organisation and operation of the applicant, in electronic form, in whole or in extract, or in accordance with his own maintenance rules showing that at least the following activities are included:
 - (i) detection of gas losses;
 - (ii) referrals, complaints and interventions;
 - (iii) checks and revisions of surface technology installations related to LNG terminals;
 - (iv) access to the LNG terminal;
 - (v) verification of technical documentation and/or projects, follow-up of the works, performing receptions and commissioning of works;
 - b) the report containing the structure of the personnel by specialties, from which to show that the persons of the managerial team responsible for coordinating the activities referred to in letter a) have a professional experience in the respective activity of at least 3 years and the fact that they, for the design and/or execution activities for which they are responsible, hold the status of ANRE authorised installer, according to the provisions of the Regulation, in electronic format;
 - c) copy of the minutes of acceptance at the end of the work for the purpose for which the licence is requested, in electronic format;
 - d) information in the national stereographic coordinate system 1970 (the information shall be presented in vector format GIS in XML type files) in accordance with the hydraulic computation scheme, graphically comprising each pipeline, connection or station in the technical design, with the attachment as attributes of the data:
 - 1. objective type – pipe, connection;
 - 2. material;
 - 3. nominal diameter;
 - 4. length;
 - 5. type of station – drying, measurement, adjustment/measurement, compression;
 - 6. maximum design capacity;
 - 7. registration number of the reception minutes at the end of the work;
 - 8. date of receipt minutes at the end of the work;
- e) a copy of the environmental authorisation for the purposes for which the licence is applied for, in electronic form;
- f) written declaration by the applicant's legal representative on the value of the target for which the licence is applied for;
- g) written declaration by the applicant's legal representative on the estimated turnover as an operator of LNG terminals in the first year of activity.
- (7)** Upon application for a centralised market management licence, the documents referred to in Article 10 shall be accompanied by the following documents:
- a) copy of the rules of organisation and operation of the applicant, in electronic format, in whole or in extract, from which:

- (i)** the tasks and responsibilities of the departments engaged in activities related to the management of centralised gas markets;
 - (ii)** the existence of a communication system with customers;
 - (iii)** existence of a system for submitting clarifications and resolving customer complaints;
 - b)** the document/documents resulting from the applicant's financial resources, in electronic form, i.e. equity, availability of credit lines or bank loan agreements, of at least EUR 1000000, at the foreign exchange rate of the National Bank of Romania valid on the 1st of the month in which the license application is registered;
 - c)** the document presenting the description of the centralised gas markets which the applicant intends to manage under the licence in electronic form;
 - d)** the list of IT systems and applications capable of ensuring the organisation and administration of wholesale centralised gas markets in the current operation of the requesting economic operator, for the purpose of organising and administering the centralised gas markets referred to in point.
 - c)** Specifying the ownership of rights of use, in electronic form;
 - e)** Regulation of the applicant for trading for products subject to the application, complying with the General Rules on Centralised Gas Markets, approved by the Order of the President of the National Energy Regulatory Authority no. 105/2018, as amended and supplemented in electronic format;
 - f)** a functional description of the specialised integrated IT application, which separates the licensed activities through management accounts and reports reflecting the allocation of revenue and expenditure related to each activity according to the annual financial statements, as well as the last balance concluded, in electronic format;
 - g)** Proof of certification of information systems used in accordance with an international standard containing the requirements for an information security management system so as to confirm the organisation's ability to assess information security risks and to implement control measures in order to ensure the confidentiality, integrity and availability of information in accordance with Article 146(21)(c) of the Law in electronic format;
 - h)** Proof of certification of the management system used in accordance with an international standard demonstrating its ability to provide products and services meeting both customer requirements and applicable legal and regulatory requirements in accordance with Article 146 (21)(d) of the Law in electronic form;
 - i)** Proof of the existence of a contract valid with an independent auditor for auditing financial statements, in accordance with Article 146 (21) letter e) of the Law, in electronic form;
 - j)** the self-declaration by the legal representative assuming responsibility for the fact that throughout the period of validity of the licence:
 - (i)** make publicly available information on the annual financial statements and the auditors' report;
 - (ii)** submit to ANRE the reports according to the regulations in force;
 - (iii)** comply with the regulations and conditions established by the license granted by ANRE;
 - k)** A copy of the annual financial statements and the auditors' report, made available to the public by the applicant, in accordance with the provisions of Article 146 (21) lett. f) of the Law, in electronic form;
 - l)** written declaration by the applicant's legal representative on turnover estimated to be carried out as centralised market manager in the first year of activity.
- (8)** At the request of the licence of natural gas trader, the documents referred to in Article 10 shall be accompanied by the following documents:
- a)** copy of the rules of organisation and operation of the applicant, in electronic format, in full or in extract, resulting in the duties and responsibilities of the compartments engaged in the activity of natural gas trader;
 - b)** list of premises in Romania through which the applicant is to carry out the activity of the natural gas trader, in electronic format;
 - c)** the document/documents in electronic format, showing that the applicant has a sum of money at least equal to 25 % of the estimated turnover value during the first 12 months of activity as a natural gas trader, but not less than EUR 100,000, at the foreign exchange rate of the National Bank of Romania valid on the 1st of the month in which the licence application is registered, which comes from one or more of the following resources:
 - (i)** equity – the value of which is calculated on the basis of data from the last monthly verification balance according to the formula used to draw up the annual financial statements which the economic operator communicates to the tax authorities;
 - (ii)** the availability from bank credit lines enjoyed by the applicant in accordance with the supporting financial documents;

- (iii)** financial resources which the applicant's associations and/or shareholders make available to the applicant through financing/loan contracts or other types of contracts accompanied by supporting financial documents;
 - (iv)** the availability from the current account, sampled with bank statement of the applicant acquired by signature by his legal representative, at the date of deposit with ANRE;
 - d)** the original written declaration of the applicant's legal representative concerning the estimated quantities of natural gas subject to trading in the year in which the licence is granted, expressed in MWh;
 - e)** written declaration by the applicant's legal representative on the estimated turnover as a natural gas trader in the first year of activity.
- (9)** At the request of the licence for commercial exploitation of new hydrogen production plants, the documents referred to in Article 10 shall be accompanied by the original written declaration under the responsibility of the applicant's legal representative, drawn up in accordance with the model in Annex No 3, and the following documents:
- a)** a copy of the rules governing the organisation and operation of the applicant, in electronic form, in whole or in extract, or in accordance with his own maintenance rules showing that at least the following activities are included:
 - (i)** hydrogen loss detection;
 - (ii)** referrals, complaints and interventions;
 - (iii)** checks and revisions of hydrogen production plants;
 - (iv)** access to hydrogen production plants;
 - (v)** verification of technical documentation and/or projects, follow-up of the works, performing receptions and commissioning of works;
 - b)** the statement of staff structure by specialties, showing that the persons of the managerial team responsible for coordinating the activities referred to in point a) have professional experience in that activity of at least 3 years and that they are responsible for the design and/or execution activities, in electronic format;
 - c)** copy of the minutes of acceptance at the end of the work for the purpose for which the licence is requested, in electronic format;
 - d)** written declaration, in the original, on the representative's own responsibility legal/manager/manager/general director of the applicant concerning the estimated quantities of hydrogen produced in the year in which the licence is granted, expressed in MWh, and subject to commercial operation of hydrogen production plants;
 - e)** written declaration by the applicant's legal representative on turnover estimated to be made as the holder of the commercial exploitation of hydrogen production plants in the first year of activity.

Section 4: Approval of the application for establishment authorisations and natural gas licences

Art. 13

- (1)** After verifying the documentation submitted, ANRE shall draw up a report proposing to approve/reject the granting of the establishment/licence authorisation.
- (2)** The report referred to in paragraph 1 shall be submitted, for approval or rejection, to the Regulatory Committee of the ANRE.
- (3)** The Regulatory Committee of ANRE shall decide on a reasoned basis to grant or reject the granting/modification/extension of validity/suspension/withdrawal of the establishment/licence authorisation, within 30 days from the date of submission of the complete documentation by the applicant.
- (4)** Granting/rejecting the granting/modification/extension of validity/suspension/withdrawal of the establishment/licence authorisation shall be made by decision of the ANRE president.

Art. 14

- (1)** In order to take over the operation of a natural gas distribution system, in the situations referred to in Art. 138 par. (1) letter g) of the Law, ANRE shall designate another holder of a license to operate the natural gas distribution system, in accordance with the provisions of the Procedure on the designation of a natural gas

distribution operator for the takeover of the operation of a natural gas distribution system, approved by the Order of the President of the National Energy Regulatory Authority no. 2/2017, as amended and supplemented.

(2) In the situation referred to in paragraph 1, ANRE shall issue a decision on the designation for taking over the operation of the distribution system to the designated economic operator, together with Annexes D1 and D2 laid down in the framework conditions for validity of the licence to operate the natural gas distribution system.

Art. 15

The conditions of validity associated with the establishment/licence authorisations shall contain, where appropriate, the following main provisions, but are not limited to them:

- a) the rights and obligations conferred by the establishment/licence authorisation;
- b) conditionalities, limitations and restrictions on the continuity and operation of authorised/licensed targets;
- c) technical data of the authorised/licensed system(s);
- d) obligation of holders of establishment/licenses to provide information to ANRE regarding the activity carried out in the natural gas sector, using the data type, periodicity, data transmission format and the like specified by ANRE and/or regulations in force.

Art. 16

(1) The establishment authorisations and licenses shall be registered by the specialised department within ANRE in an electronic register, and the registration shall be made in the order of their issuance.

(2) The establishment/licence authorisation number shall be the serial number in this register.

(3) The model of the establishment/licence authorisation is set out in Annex 7.

Art. 17

The establishment/licence authorisation shall be issued to the holder in a copy, accompanied by the decision to grant it, and a copy shall be attached to the report referred to in Article 13(1).

Art. 18

Decisions of the president of ANRE on granting/refusing the granting/modification/extension of validity/suspension/withdrawal of the establishment/licence authorisation may be appealed to the court of administrative litigation, according to the law.

Section 5: Terms of validity of start-up authorisations and licences in the sector natural gas

Art. 19

The grant report referred to in Article 13(1) shall specify the period of validity proposed for the establishment/licence authorisation as follows:

a) for the establishment authorisations referred to in Article 6 (a), b), (c) and d) or the licences referred to in Article 7(b)(i) to (iv) the term of validity shall be linked to the duration provided for in the contract under which the activity is carried out, respectively:

- (i) the concession contract for the public service for the distribution of natural gas or assimilated;
- (ii) oil agreement concluded in accordance with the provisions of specific incident legislation;
- (iii) the concession contract of the national gas transmission system and the operation of the SNT;

b) the establishment authorisations referred to in Article 6 letters e), f), g) and h) shall correlate with the deadline for achieving the objectives declared by the applicant;

c) the licences referred to in Article 7 (a), (b)(v) and (c), d) and e) shall be valid for a maximum period of 25 years.

Art. 20

(1) The holder of the establishment/licence authorisation shall have the right to request the extension of its validity before the expiry of the term of validity; in this situation, the applicant must take into account the

duration of ANRE's analysis of the request, as well as the regularity of the meetings of the Regulatory Committee, so as to ensure the continuity of the establishment/licence authorisation, but not more than 90 days or less than 60 days before the date of expiry of the establishment/licence authorisation.

(2) For the purposes of applying paragraph 1, the holder shall submit to ANRE an application drawn up in accordance with the model in Annex No 1 accompanied by:

- a)** the updated document referred to in Article 10 (1) (a);
- b)** the document giving the reason for requesting the extension of the establishment/licence authorisation;
- c)** copy of the document by which the tariff for analysing the application for extension of the authorisation to establish/licence was paid, established in accordance with the order of the ANRE president regarding the approval of the tariffs and contributions collected by ANRE.

Chapter IV: Procedure for amending establishment authorisations and licences in the sector natural gas

Art. 21

(1) At the request of the holders or on its own initiative, ANRE may decide, in accordance with the legal provisions, to modify the authorisations of establishment/licences issued, in the following situations:

- a)** when it is necessary to update the technical parameters specified in the establishment/licence authorisation;
- b)** in case of extension of the authorisation to set up/licence, without altering the technical characteristics of the objectives in the case of the establishment authorisations referred to in Article 6 or of the licences referred to in Article 7(b);
- c)** in the case of changes in the status of the holder of the establishment/licence authorisation by division, merger, conversion, name, registered office, share capital or property;
- d)** if there are some legislative changes or changes in circumstances since the date of issue of establishment/license authorisations or events substantially affecting or leading to the impossibility of carrying out authorised/licensed activities.

(2) For the situations referred to in paragraph (1) letter d), modification of the authorisations for establishment/licences shall be made on the initiative of ANRE, respecting the equal treatment of the holders and in relation to the nature of the situation which determined the modification; ANRE shall notify in writing to the holders of the establishment/licence authorisation the changes that have taken place.

(3) The holder of the establishment/licence authorisation shall notify ANRE of its intention to make changes to the legal status, within the meaning of the merger/dividing/transformation, as well as any sale or transfer of assets or other operations which:

- a)** tangible assets intended for activities authorised by the establishment/licence authorisation will be transmitted or will belong to another person/person;
- b)** the contract(s) for the concession of the transport service, underground storage and distribution of natural gas, contracts for the provision of the public gas distribution service concluded with local authorities, assimilated to concession contracts, or the oil agreement/oil agreements shall be transferred to another applicant/applicant;
- c)** the amount of existing share capital shall be reduced, in a tranche or overall, by at least 5 %. The existing share capital of the establishment/licence authorisation holder means the initial share capital, at the date of issue of the establishment/licence authorisation, or the existing share capital at the date of the last change, obtained by increases or decreases in the initial share capital, made after the issuance of the establishment/license authorisation.

(4) The notification referred to in paragraph 3 shall be transmitted at least 120 days before the date on which the merger/division/transformation takes effect.

(5) Holders of licences having as their object the operation of the systems of distribution, transmission or underground storage of natural gas shall notify ANRE, at least 6 months in advance, of their intention to carry out any of the operations referred to in paragraph (3) (c).

(6) In the case referred to in paragraph 5, ANRE shall be notified by a new notification at least 90 days before the actual date on which the operation leading to the reduction of the existing share capital takes place,

according to the ruling of the management bodies of license holders.

(7) The performance of the operations referred to in paragraph 3 shall, as appropriate, lead to the modification, withdrawal or transfer of the establishment/licence authorisation. ANRE shall communicate to the holder of the establishment/licence authorisation how the situation created following the implementation of the intention notified by the holder of the establishment/licence authorisation will be resolved.

(8) The holder of the establishment/licence authorisation shall submit the request for modification to ANRE within 15 days from receipt of the communication referred to in paragraph (7).

(9) The holder of the establishment/licence authorisation shall submit to ANRE the request to modify the authorisation/licence within a maximum of 15 days from the registration in the commercial register of the mention regarding the change of premises, name or legal form of the company accompanied by the document provided for in Art. 10 par. (1) letter a).

(10) After receiving the request referred to in paragraph 8, ANRE shall examine the newly created situation and shall order, if the request is justified, the corresponding modification of the authorisations to establish/licenses, issuing authorisations or licenses with a modified content.

(11) If, for the situations referred to in paragraph 1(c), it is not possible to proceed in accordance with the provisions of paragraph 3, the holder of the establishment/licence authorisation shall request ANRE to transfer the establishment/licence authorisation to another applicant; in this case, the applicant to whom the transfer is made shall apply to ANRE for granting/modifying the appropriate establishment/licence authorisation and to submit the joint documents provided for in Article 10, as well as the documents specific to the type of establishment/licence authorisation provided for in this Regulation.

Art. 22

(1) The holder of an authorisation to set up may request its amendment only if it is within a period of validity.

(2) The requests of the license holder to modify the establishment authorisation shall be in conjunction with the investment plan approved by ANRE; otherwise, the applicant shall be obliged to provide explanations and justifications for the investment made outside the approved investment plan.

Art. 23

The holder of a licence shall request that it be amended as follows:

a) prior to the entry into service of the objectives/systems, if they are located in a location for which no specific licence is granted;

b) annually, on 1 March of the year following the reception of new targets or the decommissioning of objectives, located in a location for which a specific licence is granted.

Art. 24

(1) The application for modification of the establishment authorisation drawn up in accordance with the model in Annex No 1 shall be submitted only if it is within its validity. The written declaration of the applicant's legal representative, drawn up in accordance with the model set out in Annex No 3, and the following documents shall be attached to the application:

a) the documents referred to in Article 11(1) shall be transmitted for upstream supply pipes related to the production of natural gas or for surface technological installations related to the underground storage of natural gas;

b) for natural gas transmission systems, the documents referred to in Article 11 shall be submitted.

(2)

c) for natural gas distribution systems the documents referred to in Article 11 shall be submitted.

(3)

d) for direct gas lines, the documents referred to in Article 11(4) shall be submitted;

e) for LNG facilities, the documents referred to in Article 11 (5) shall be submitted;

f) for biogas/biomethane or hydrogen plants, the documents referred to in Article 11(6) shall be submitted.

(2) The application for modification of the operating licence, drawn up in accordance with the model in Annex no.

1, it shall be submitted together with the written declaration by the legal representative/director-general/manager of the applicant, drawn up in accordance with the model set out in Annex 3, together with the following documents:

- a)** the documents referred to in Article 12 (2) (c), d), e) and f shall be transmitted for upstream supply pipes related to natural gas production;
- b)** for surface technological installations related to underground storage of natural gas, the documents referred to in Article 12 (3) (c), d), e) and f shall be transmitted;
- c)** for natural gas transmission systems, the documents referred to in Article 12 (4) (c), d), e), f) and g shall be transmitted;
- d)** for natural gas distribution systems the documents referred to in Article 12 shall be submitted.

(5)

e) for the LNG terminal, the documents referred to in Art. 12 par. (6) lett. c), d) and e) shall be sent.

(3) The application for modification of the licence for commercial exploitation of hydrogen production plants, drawn up in accordance with the model set out in Annex No 1, shall be submitted together with the written declaration on the responsibility of the applicant's legal representative, drawn up in accordance with the model set out in Annex No 3, together with the documents referred to in Article 12(9)(c), d) and e).

(4) If the concession contract of the public service for natural gas distribution or assimilated is amended, the grantor shall submit to ANRE a copy of the document within 30 days from the date of the modification.

(5) Where it is necessary to amend the establishment authorisation, after transmission of the document referred to in paragraph 4, the contract holder shall request that the establishment authorisation be amended, if it is within a period of validity, accompanied by the documents referred to in Article 11(3).

(6) If the oil agreement changes, including in the case of transfer, the holder of the agreement shall submit to ANRE, within 30 working days from the date of its amendment, a document issued by ANRM containing cumulatively the following information:

- (i)** the holder of the oil agreement;
- (ii)** subject matter of the agreement (perimeters);
- (iii)** the deadline for which the oil agreement is concluded under specific incident legislation.

(7) Where it is necessary to amend the establishment authorisation, after transmission of the document referred to in paragraph 6, the holder of the oil agreement shall request modification of the authorisation to set up, if it is within a period of validity, accompanied by the documents referred to in Article 11(1) or (2), as the case may be.

(8) The application for modification of the licence referred to in Article 7 (a), (c) or d), drawn up in accordance with the model set out in Annex No 1, shall be forwarded together with the documents referred to in Article 10.

(9) The modification by ANRE of the authorisation to establish/licence, in the situation provided for in Article 21 paragraph (1) lett. c), shall take effect from the date of merger/division/transformation.

Chapter V: Procedure for suspending and withdrawing authorisations for establishment and natural gas licences

Art. 25

(1) Following the finding by ANRE ex officio, upon referral to third parties or upon notification by the holder, ANRE shall apply the measures provided for in par. (2) or (3), as the case may be, in case of impossibility of carrying out the activity, as a result of non-compliance with the incident legal obligations of the natural gas sector, provided in:

- a)** primary legislation;
- b)** the conditions associated with the establishment/licence authorisation;
- c)** regulations issued by ANRE;
- d)** European direct applicability regulations;
- e)** standards and other normative acts in force in the natural gas sector or imposed by the regulatory framework in force.

(2) If the grounds leading to the impossibility referred to in paragraph 1 are not attributable to the holder of the establishment/licence authorisation, ANRE shall proceed as follows:

a) if the situation created can be rectified, it shall grant a compliance period of not more than 3 months, subject to the suspension of the establishment/licence authorisation;

b) if the situation created cannot be rectified, withdraw the establishment/licence authorisation.

(3) If the grounds leading to the impossibility referred to in paragraph 1 are attributable to the holder of the establishment/licence authorisation, ANRE shall proceed as follows:

a) if the situation created can be rectified, suspend the establishment/licence authorisation for a period of 60 calendar days in order to remedy the situation created and comply with the establishment/licence authorisation; in this respect, the holder of the establishment/licence authorisation shall submit to ANRE, at least 15 calendar days prior to expiry of the suspension term, the documents attesting the remedy that led to the suspension of the establishment/licence authorisation;

b) if the situation created cannot be rectified, withdraw the establishment/licence authorisation.

(4) In application of the provisions of paragraphs 2 or 3, where the activity is carried out under a concession contract, ANRE shall notify the grantor thereof.

(5) The suspension and withdrawal of the establishment/licence authorisation shall be approved by decision of the president of ANRE and shall apply from the date set by ANRE.

(6) In case of termination of the reasons that led to the suspension of the establishment/licence authorisation, ANRE shall issue a decision to terminate the suspension, which shall apply on the date set by ANRE within it.

Art. 26

(1) ANRE shall withdraw the establishment/licence authorisation holder in the following situations, as appropriate:

a) in the situations referred to in Article 25;

b) in the event of bankruptcy of the holder, as determined by a final judgment;

c) upon reasoned request of the holder, after confirming the fulfilment of the obligations to ANRE; where the activity is carried out under a concession or similar contract or an oil agreement, ANRE shall be entitled to withdraw the establishment/licence authorisation only after the holder has submitted the agreement to the contract partner;

d) upon termination of the concession contract of the public gas distribution service or of the oil agreement notified by the grantor and/or concessionaire;

e) in case of presentation of evidence (restriction or prohibition of activity issued by a public authority, final judicial decisions, etc.) attesting that the establishment/operation of natural gas objectives/systems or one or more of their components endangers or seriously harms natural persons, property and/or the environment;

f) in case of impossibility to carry out the activity established by ANRE ex officio or to referral to third parties, as a result of non-compliance with the legal obligations incident to the natural gas sector, or upon notification by the holder or upon the proposal of a compartment within ANRE.

(2) The holder of the establishment authorisation and/or the license shall be obliged to notify ANRE of the situations referred to in paragraph (1) letters b), d) and e) within 5 working days of their occurrence.

(3) In the event of the removal of an economic operator, the decision to grant, as amended and supplemented, the establishment/licence authorisation shall legitimately cease its effects.

(4) If, at least 10 days before the date of entry into force of the withdrawal decision, the reasons leading to the withdrawal of the establishment/licence authorisation cease, ANRE may issue a decision to revoke the decision to withdraw the establishment/licence authorisation.

Art. 27

The provisions of Art. 25 and 26 shall also apply to applicants, foreign legal entities, with regard to the suspension or withdrawal of the confirmation decision issued by ANRE.

Art. 28

In case of loss/destruction of documents related to the establishment/licence authorisation issued by ANRE, at

the request of the holder, ANRE shall issue a duplicate, against payment, according to the tariffs approved by ANRE; the application is accompanied by proof of publication of the loss/destruction documents related to the establishment/licence authorisation issued by ANRE in the Official Gazette of Romania, Part III.

Chapter VI: Transitional and final provisions

Art. 29

(1) Throughout the period of validity of the establishment/licence authorisation, their holders shall comply with the following provisions:

- a) Law and law incidents;
- b) regulations issued by ANRE and the validity conditions associated with the establishment/licence authorisation.

(2) In case of legislative changes leading to the possibility of carrying out authorised/licensed activities without having the authorisations to establish/licenses issued by ANRE, they shall cease their applicability under the law.

Art. 30

(1) ANRE charges charges for:

- a) analysis of applications for granting/modifying/extending the validity of authorisations to set up/licenses in the natural gas sector;
- b) granting/modifying/extending the validity of establishment/license authorisations in the natural gas sector;
- c) issuing a duplicate of the establishment/licence authorisation.

(2) The tariffs referred to in par. (1) shall be approved by order of the President of ANRE.

(3) When submitting the documentation for granting/modifying/extending the validity of the authorisations for setting up/licenses in the natural gas sector, the applicant shall also submit a copy of the document by which the documentation analysis fee was paid, according to the tariffs approved by ANRE.

(4) If it is found that the amount related to the analysis tariff was not actually transferred to the ANRE account, the request received shall be registered with a correspondence nature and shall not be included in the work plan of the specialised general department.

(5) Where it is found that, within 10 working days from the date of registration of the application referred to in Article 8(1), the analysis fee has not been fully paid and actually transferred to the destination account, the application shall be duly ranked, the applicant being notified to that effect, as well as of the possibility of refunding the documents annexed to the application.

(6) Within 5 working days of granting/modifying/extending the validity of the authorisations to establish/licenses in the natural gas sector, ANRE shall notify the applicant of the adopted decision and its financial obligations, as appropriate.

(7) Within 5 working days from the date of communication by ANRE of the invoice issued, the applicant shall prove the fulfilment of the financial obligations.

(8) Failure to submit within the period stipulated by par. (7) the proof of payment of the tariff may result in the refusal to issue the decision by ANRE.

(9) ANRE shall not charge tariffs for the situations referred to in Art. 21 par. (2).

Art. 31

ANRE shall collect annual contributions from license holders in the natural gas sector throughout the duration of the license, including for the period of suspension thereof, according to the level of contributions approved by order of the ANRE president.

Art. 32

(1) Licences to operate the closed gas distribution system shall cease to be valid under the law.

(2) The license holders referred to in par. (1) shall have the obligation to request the issuing of the confirmation

decision according to the provisions of the procedure for confirming the appointment of a closed distribution system of electricity or natural gas approved by order of the president of ANRE.

Art. 33

Requests submitted to ANRE and not completed before the entry into force of this Regulation shall be analysed in accordance with its provisions.

Art. 34

ANRE shall publish on the institution's website updated information on the establishment authorisations and licenses granted/rejected/modified/extended/suspended/withdrawn.

Art. 35

- (1) For all objectives in the natural gas sector put into service and operating under the operation of holders of operating licenses, they are required to transmit to ANRE the GIS vector information, on CD/DVD/Memory Stick, in XML files, until 31.01.2021.
- (2) The information referred to in paragraph 1 shall, depending on the activity, as appropriate, refer to the provisions of Article 12(2) to (6).
- (3) Requests for modification of licences for the operation of underground storage, transmission and natural gas distribution systems contained in the work plan of the ANRE which have not been approved until the date of entry into force of this Regulation shall be closed. ANRE shall notify the license holders of this fact, and they shall submit by 31.01.2021 new requests for updating the technical characteristics related to the objectives of the systems in operation, including the information referred to in paragraph (1).
- (4) For the applications referred to in paragraph 3, the analysis fee shall not be refunded, following that upon submission of new applications applicants shall pay 25 % of the analysis fee for the documentation approved by order of the ANRE President.

Art. 36

- (1) The responsibility for compliance with the legislation in the natural gas sector, the requirements for quality in construction and the quality of the works lies with holders of licenses to set up/business operating licenses/commercial exploitation.
- (2) Authorisation and licensing in the natural gas sector do not lead to the transfer of responsibilities from holders of establishment/license authorisations to ANRE, nor do they exempt them from their obligations.
- (3) The application and/or payment of any contravention fine shall not in any way limit the right of ANRE to suspend/withdraw the establishment/licence authorisation under the terms of this Regulation.

Art. 37

Annexes 1 to 7 shall form an integral part of this Regulation.

Annex No 1: CERE for granting/modifying/extending the establishment
/licence authorisation in the natural gas sector

— model —

REQUEST

for granting/modifying/extending the establishment/licence authorisation in the natural gas sector

To the National Energy Regulatory Authority (ANRE)

.....(name of applicant), registered at the office of the business register
CUI....., headquartered in the locality....., str.

..... No, zip code, phone, fax, e-mail,
Website....., legally represented by....., in accordance with the provisions of the
Law
Electricity and natural gas No 123/2012,as amended and supplemented, requires (*)

(To be completed with the type of application and type of establishment authorisation or
licence. In support of the application, we attach the file with the following documents:

The legal representative of the applicant,

(name and first name in the clear, signature) _____

Annex 2: Declaration of consent

DECLARATION OF Consent

I, the undersigned(a)....., domiciled in....., CNP
....., I agree as the National Regulatory Authority in the Field
Energy (ANRE) based in str. Constantin Nacu no. 3, sector 2, Bucharest, to collect and process my personal data.

Consent to the processing of personal data as well as the provision of data referred to in the GDPR form shall be
voluntary. This consent may be revoked at any time, with subsequent effect by a notification to ANRE.

Notice of revocation of consent can be made by e-mail to dpo@anre.ro or through a written request at the
ANRE Registry in Bucharest, str. Constantin Nacu no. 3, sector 2. Please note that the revocation of consent does
not affect the lawfulness of the use of the data before the withdrawal of consent (notification has no retroactive
effect).If consent is not given or revoked, personal data will not be used for the purposes mentioned in the GDPR
form found on the www.anre.ro website.If you have any questions related to this statement of consent or data
protection by ANRE in general, please feel free to contact our Data Protection Officer at the e-mail
address:dpo@anre.ro

Please mark* with [x] the way you wish to be contacted for the purpose of providing information by ANRE and
to fill in the e-mail address and/or telephone number:

*This form is valid only if this box is checked with x.

E-mail to the address

Phone at no

I understand this declaration of consent and agree to the collection and processing of my personal data for the

purposes described in the GDPR form.

Date of completion:

Signature:

Annex no. 3: Declaration on the responsibility of the legal representative

— model —

Declaration by the legal representative

The undersigned, legal representative of^{the office,}registered at the office

The register of trade with no, CUI....., knowing the provisions of Article 326 of

The criminal code for forgery in declarations, I declare on my own responsibility the following:

Fill in with the name of the applicant.

1. all documents submitted in the copy comply with the originals;
2. for the design and execution of the works that are subject to the establishment/licence authorisation, the applicant holds in its own personnel structure a number of ANRE authorised installers and service contracts with authorised economic operators ANRE, as appropriate, in sufficient number relative to the volume of activities carried out;
3. technical documentation/expert reports/technical projects were prepared and verified, according to specific incident legal provisions;
4. for the objectives/systems for which the granting/modification of the establishment/licence authorisation is requested, the applicant has all the documents, drawn up according to the requirements of the legislation in force, which can be made available to the National Energy Regulatory Authority for consultation and/or verification;

5. the present value of the objectives/system for which the grant/change of the establishment/licence authorisation is requested isdelei (excluding VAT).

I sign this declaration,

The legal representative of the applicant,

(name and surname in clear, signature)